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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,962	12/01/2003	Richard L. Elliott	PC25417A	3638

28523 7590 01/07/2005
PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON, CT 06340

EXAMINER

WALLER, ROBIN REGINA

ART UNIT	PAPER NUMBER
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1626

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,962	Applicant(s) ELLIOTT, RICHARD L.	
	Examiner Robin R. Waller	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☒ Claim(s) 1-9 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01/03, 6/01/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9 are currently pending in the instant application. Claims 7-9 are withdrawn from consideration as being for non-elected subject matter. Claim 10 is cancelled.

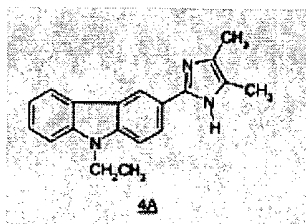
Response to Restriction

Applicant's election with traverse of Group I, Claims 1-6 in the response filed August 30, 2004 is acknowledged. Therefore, the restriction requirement mailed on 8-9-2004 is proper and maintained. Applicant argues that the prior art used was incorrect because it teaches a saturated non-aromatic compound not an unsaturated aromatic compound. Applicant requests Examiner allow claims 1-6 and rejoinder of claims 1-9.

Applicants' argument was found persuasive. Therefore, the Claim Rejections - 35 USC § 103 Rejection in the previous Office Action is withdrawn. In regards to the request for rejoinder, as stated in the restriction requirement, rejoinder will be permitted when a product claim is found allowable and then the withdrawn process claims which depend from or otherwise include all the limitations of an allowed product claim will be rejoined.

Status of the Claims

As stated in the previous Office Action mailed August 9, 2004 **applicants elected Group 1, Claims 1-6 and the elected invention for search and examination found in class 548/312.1 is 3-(4,5-dimethyl-1H-imidazol-2-yl)-9-ethyl-9H-carbazole:**



Claim Objections

Claims 1-6 are objected to as containing non-elected subject matter but would appear allowable if rewritten to include only the elected invention as identified supra.

Conclusion

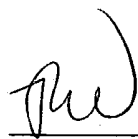
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Robin Waller whose telephone number is (571) 272-2901. Examiner Waller can normally be reached Monday through Friday 8:30AM to 6:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robin Waller
Patent Examiner 1626
United States Patent
and Trademark Office



for

Joseph McKane
Supervisory Patent Examiner 1626
United States Patent and Trademark Office